



DEPARTMENT OF THE ARMY
THE NONCOMMISSIONED OFFICER LEADERSHIP CENTER OF EXCELLENCE
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FORT BLISS, TEXAS 79918-8001

ATSS-CD

JUN 22 2020

MEMORANDUM FOR All Soldiers and Department of the Army Civilians, The NCO Leadership Center of Excellence, Fort Bliss, Texas 79918-8002

SUBJECT: Policy Letter # 08, **Sexual Harassment/Assault Response & Prevention Program (SHARP)**

1. References:

- a. Army Regulation 600-20, Army Command Policy, 6 November 2014.
- b. TRADOC Policy Letter No. 4, Equal Opportunity (EO), Sexual Harassment/Assault Response and Prevention (SHARP) Program, and Treatment of Persons, 28 February 2019.
- c. Combined Arms Center (CAC) and Fort Leavenworth Policy Letter No. 7, Sexual Harassment/Assault Response and Prevention (SHARP) Program, 19 August 2016.

2. Applicability: All Service Members, their Family Members, and DA Civilians assigned or attached to the NCO Leadership Center of Excellence, who are eligible for SHARP services.

3. The Noncommissioned Officer Leadership Center of Excellence (NCOLCoE) is committed to ensuring that Soldiers, DA Civilians, and our families live and work in an environment free of sexual harassment and sexual assault. Leaders at every level must be committed to creating and maintaining an environment that promotes productivity and respect for human dignity. Sexual harassment and sexual assault are both offenses contrary to the Army Values and the Warrior Ethos, they will not be tolerated, and are punishable under the Uniform Code of Military Justice (UCMJ). Retaliation against a victim, an alleged victim, or another member of the Armed Forces based on that individual's report of sexual harassment or sexual assault is unacceptable behavior. Retaliation is any action taken by the chain of command or peers/coworkers who engage in ostracism, maltreatment and or taking or threatening to take an adverse personnel action. Acts of retaliation include online conduct. Soldiers or DA Civilians who condone or participate in retaliation, rather online or offline, may be subject to criminal, disciplinary, and or administrative action by military or civilian authorities.

4. I will take reports of sexual harassment and sexual assault seriously and will investigate promptly. Refer complaints IAW the NCOLCoE SHARP reporting options, located within the Enclosure. IOT promote SHARP awareness and available resources, all personnel may download the NCOLCoE Ultima SHARP application on their phone (via free download) through the following Apple or Google applications:

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<https://play.google.com/store/apps/details?id=mil.army.ultimasharp>

<https://itunes.apple.com/us/app/ultima-sharp>

5. Prevention of sexual assault and sexual harassment is everyone's responsibility. Every "Ultima" Soldier, civilian employee, and family member is responsible for treating one another with mutual dignity and respect. We cannot tolerate or condone sexual harassment or sexual assault. It is incumbent upon all leaders to set the example and create an environment conducive to good order and discipline.

6. This policy supersedes Policy Memorandum #13, dated 29 March 2019, Subject: Prevention of Sexual Harassment and Sexual Assault (SHARP).

"Leaders Build Lethality, We Develop Leaders!"

1 Encls


JASON SCHMIDT
CSM, USA
Commandant

SHARP Definitions, Guidance and Reporting Options

1. Applicability: Soldiers and their depended family members who are 18 years of age and older and are eligible for treatment in a military treatment facility (MTF), Department of Defense (DoD) civilian employees and their dependent family members who are 18 years of age or older when stationed or performing duties outside the continental U.S. (CONUS).
2. Sexual Harassment is:
 - A. Conduct that involves unwelcomed sexual advances, requests for sexual favors, and deliberate or repeated offensive comments or gestures of a sexual nature when:
 - Submission to such conduct is made either explicitly or implicitly a term or condition of a person's job, pay or career.
 - Submission to or rejection of such conduct by a person is used as a basis for career or employment decision affecting that person.
 - Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or created an intimidating, hostile, or offensive environment.
 - B. Any Use or condonation, by any person in a supervisory or command position, of any form of sexual behavior to control, influence, or affect the career, pay or job of a member of the armed forces.
 - C. Any deliberate or repeated unwelcomed verbal comments or gestures of a sexual nature by any member of the Armed Forces or civilian employee of the Department of Defense (DoD).
3. There is no requirement for concrete psychological harm to the complainant for behavior to constitute sexual harassment. Behavior is sufficient to constitute sexual harassment if it is so severe or pervasive that a reasonable person would perceive, and the complainant does perceive, the environment as hostile or offensive.
4. Sexual harassment can occur through electronic communications, including social media, other forms of communication, and in person.

5. There are two ways to file sexual harassment complaints: Informal and Formal.

- 1) Informal: through any means other than the Sexual Harassment Complaint form (DA Form 7279, Equal Opportunity Complaint Form). Informal complaints of sexual harassment involve less severe or egregious incidents that can be resolved by the individual, with the help of another, and/or by the direct resolution. Typically, these involve something a complainant believes can be resolved through discussion, problem identification, counseling, and/or clarification of the issues. Initiating an informal complaint does not require the complainant to submit anything in writing and is not subject to timelines.
- 2) Formal: A formal complaint is one that a complainant files in writing and swears to the accuracy of the information. Formal complaints require specific actions, are subject to timelines, and require documentation of the actions taken. Using the Sexual Harassment Complaint Form (DA Form 7279, Equal Opportunity Complaint Form), active duty Soldiers have 60 calendar days from the date of the incident to file a formal complaint of sexual harassment through the chain of command or Sexual Assault Response Coordinator (SARC).

DA Civilians will file reports of sexual harassment through the Equal Employment Office (EEO) and have 45 calendar days from the date of the incident to file a complaint of sexual harassment. Details of the complaint process for Civilian personnel filing a complaint are found in [AR 690-600](#) (*Equal Employment Opportunity Discrimination Complaints*).

Note: An anonymous complaint is one that is received regardless of the means of transmission, from an unknown or unidentified source alleging harassment. The individual (or source) is not required to divulge any personally identifiable information.

6. Sexual Assault is defined as: Intentional sexual contact characterized by the use of force, threats, intimidation, or abuse of authority or when the victim does not or cannot consent. The term includes a broad category of sexual offenses consisting of the following specific UCMJ offenses: rape, sexual assault, aggravated sexual contact, abusive sexual contact, forcible sodomy (forced oral or anal sex), or attempts to commit these offenses.

7. There are two ways to report sexual assault: Restricted and Unrestricted.

1) Restricted reporting: allows a sexual assault victim to confidentially disclose the details of his or her assault to specified individuals and receive medical treatment and counseling, without triggering the official investigative process. Sexual assault victims who are sexually assaulted and desire restricted reporting under this policy may only report the assault to the Sexual Assault Response Coordinator (SARC), Victim Advocate (VA), or a Healthcare Provider (HCP). However, consistent with current policy, they may also report the assault to a chaplain. Although a report to a chaplain is not a restricted report under this policy or the provisions of this Directive, it is a communication that may be protected under the Military Rules of Evidence (MRE) 503 or applicable statutes and regulations. The restricted reporting process does not affect any privilege recognized under the MRE. This Directive and its policy on restricted reporting is in addition to the current protections afforded privileged communications with a chaplain, and does not alter or affect those protections. Upon notification of a reported sexual assault, the SARC will immediately assign a VA to the victim. The assigned Victim Advocate will provide accurate information on the process of restricted reporting. When Electing a restricted report, the following limitations apply:

- Your assailant remains unpunished.
- You cannot receive a military protective order.
- You may continue to have contact with your assailant, if he/she is in your organization or billeted with you.
- Evidence from the crime scene where the assault occurred may be lost, and the official investigation, should you switch to an unrestricted report, will likely encounter significant obstacles.
- You will not be able to discuss the assault with anyone in your chain of command without imposing an obligation on them to report the incident, and some commands have requirements that impose this duty on all Soldiers, to include your friends. The only exceptions would be chaplains, designated healthcare providers, your assigned SHARP/VA Specialist, and the SARC/SHARP Specialist.
- You will be ineligible to invoke the collateral misconduct provision of DoD's sexual assault policy in the event that your command learns that you had been engaged in some form of misconduct at the time you were assaulted.
- You are not eligible for a potential expedited transfer.

- The CATCH Program allows an adult sexual assault victim who files a Restricted Report to submit an entry into the CATCH website containing suspect or incident information for the purpose of identifying individuals suspected of perpetrating multiple sexual assaults. At the time of filling out the DD Form 2910, "Victim Reporting Preference Statement," the SARC and the Sexual Assault Prevention and Response (SAPR) Victim Advocate (VA) will advise every Restricted Reporting victim of the opportunity to participate in the CATCH Program, but cannot encourage or discourage victims' participation. Participation in the CATCH Program is voluntary and the victim may decline to participate in the CATCH Program at any stage, even after being informed that there was a potential "match" in the CATCH system. There shall be no adverse consequences for the victim, if the victim does not agree to participate or if a victim opts out of CATCH Program after being contacted with information of a potential "match." Any intimate partner sexual assault cases will be governed by guidance from the Family Advocacy Program. Victims who are eligible to participate in the CATCH Program are adult sexual assault victims who have filed a Restricted Report. This includes current Service members (including Military Service Academy cadets and midshipmen) and their adult dependents who file or have filed a Restricted Report, and also former Service members and their adult dependents who have filed a Restricted Report.

2) Unrestricted reporting: is for victims of sexual assault who desire medical treatment, counseling, legal assistance, SARC/SHARP Specialist and VA/SHARP Specialist assistance, and an official investigation of the crime. When selecting unrestricted reporting, you may report the incident to the SARC/SHARP Specialist or VA/SHARP Specialist, request healthcare providers to notify law enforcement, contact law enforcement yourself, or use current reporting channels, e.g., chain of command. Upon notification of a reported sexual assault, the SARC/SHARP Specialist will immediately assign a VA/SHARP Specialist. You will also be advised of your right to access to legal assistance that is separate from prosecution resources. At the victim's discretion/request, the healthcare provider shall conduct a sexual assault forensic examination (SAFE), which may include the collection of evidence. Details regarding the incident will be limited to only those personnel who have a legitimate need to know. Any intimate partner sexual assault cases will be governed by guidance from the Family Advocacy Program.

8. Commanders have a responsibility to ensure community safety and due process of law, but they must also recognize the importance of protecting the privacy of victims under their command. After a report of sexual assault, commanders will also ensure compliance with procedures in Appendix F, AR

600-20. Additional resource guides for leaders are located at <https://www.sharp.army.mil/>.